

1  
2  
3  
4  
5  
6  
7  
8  
9  
The Honorable Marsha J. Pechman

10  
11  
12  
13  
14  
15  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

16  
17  
18  
19  
20  
IN RE WASHINGTON MUTUAL  
MORTGAGE BACKED SECURITIES  
LITIGATION,

21  
22  
23  
24  
25  
This Document Relates to: ALL CASES

Master Case No. CV09-037 MJP

26  
27  
28  
29  
30  
**DECLARATION OF J. WESLEY  
EARNHARDT IN SUPPORT OF  
DEFENDANTS' UNOPPOSED  
MOTION FOR LEAVE TO FILE  
OVER-LENGTH MOTION TO  
EXCLUDE THE PROFFERED  
EXPERT TESTIMONY OF CHARLES  
D. COWAN AND IRA HOLT**

31  
32  
I, J. Wesley Earnhardt, hereby declare as follows under penalty of perjury  
33  
34  
pursuant to 28 U.S.C. § 1746:

35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
1. I am an attorney at law licensed to practice in the State of New York. I am a  
46  
47  
member of the firm of Cravath, Swaine & Moore LLP, counsel of record for defendants  
48  
49  
WaMu Asset Acceptance Corporation and WaMu Capital Corporation (collectively, the  
50  
51  
“WaMu Defendants”) in this action. By virtue of my representation of the WaMu  
52  
53  
Defendants in this matter, I have personal knowledge of the facts set forth below and  
54  
55  
could and would testify competently to those facts if called to do so.

56  
57  
58  
59  
60  
*Declaration of J. Wesley Earnhardt in Support of  
Defendants' Unopposed Motion for Leave to File Over-  
Length Motion to Exclude the Proffered Expert  
Testimony of Charles D. Cowan and Ira Holt  
(CV09-037 MJP)*

61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
HILLIS CLARK MARTIN & PETERSON P.S.  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101-2925  
Telephone: (206) 623-1745  
Facsimile: (206) 623-7789

1 2. On March 2, 2012, Dr. Charles Cowan and Mr. Ira Holt each submitted an expert  
2 report on behalf of the Plaintiffs in the above-captioned matter.

3 3. On April 19, 2012, Defendants' counsel emailed Plaintiffs' counsel to determine  
4 their position with respect to Defendants' request for permission to file an over-length  
5 motion to exclude the testimony of Charles Cowan and Ira Holt.

6 4. On April 20, 2012, Joshua Devore, counsel of record for Plaintiffs in this matter,  
7 responded, indicating that Plaintiffs agree to the requested page extension.

8  
9 EXECUTED this 23rd day of April, 2012, at New York, New York.

10  
11   
12

13  
14 J. Wesley Earnhardt  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

*Declaration of J. Wesley Earnhardt in Support of  
Defendants' Unopposed Motion for Leave to File Over-  
Length Motion to Exclude the Proffered Expert  
Testimony of Charles D. Cowan and Ira Holt*

(CV09-037 MJP)

HILLIS CLARK MARTIN & PETERSON P.S.  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101-2925  
Telephone: (206) 623-1745  
Facsimile: (206) 623-7789

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 23rd day of April 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Adam Zurofsky azurofsky@cahill.com

Barry Robert Ostrager bostrager@stblaw.com, managingclerk@stblaw.com

Bradley T. Meissner bradley.meissner@dlapiper.com

Brian O. O'Mara bo'mara@rgrdlaw.com, e\_file\_sd@rgrdlaw.com

Christopher E. Lometti clometti@cohenmilstein.com

Daniel B. Rehns drehns@cohenmilstein.com, efilings@cohenmilstein.com

Darren J. Robbins e\_file\_sd@csgrr.com

David Daniel Hoff [dhoff@tousley.com](mailto:dhoff@tousley.com), [efile@tousley.com](mailto:efile@tousley.com)

Douglas C. McDermott doug@mcdermottnewman.com, eric@mcdermottnewman.com

Floyd Abrams fabrams@cahill.com

Gavin Williams Skok [gskok@riddellwilliams.com](mailto:gskok@riddellwilliams.com), [jsherred@riddellwilliams.com](mailto:jsherred@riddellwilliams.com),  
[lmoore@riddellwilliams.com](mailto:lmoore@riddellwilliams.com)

Geoffrey M. Johnson gjohnson@scott-scott.com, efile@scott-scott.com

Hal D. Cunningham [hcunningham@scott-scott.com](mailto:hcunningham@scott-scott.com), [efile@scott-scott.com](mailto:efile@scott-scott.com),  
[halcunningham@gmail.com](mailto:halcunningham@gmail.com)

Hollis Lee Salzman (Terminated) [hsalzman@labaton.com](mailto:hsalzman@labaton.com).

ElectronicCaseFiling@labaton.com

James J. Coster jcoster@ssbb.com, jregan@ssbb.com, managingclerk@ssbb.com

Janissa Ann Strabuk [jstrabuk@tousley.com](mailto:jstrabuk@tousley.com), Jrolling [jrolling@tousley.com](mailto:jrolling@tousley.com).

wcruz@tousley.com

Jason T. Jasnoch [jjasnoch@scott-scott.com](mailto:jjasnoch@scott-scott.com), [efile@scott-scott.com](mailto:efile@scott-scott.com)

1 Joel P. Laitman [jlaitman@cohenmilstein.com](mailto:jlaitman@cohenmilstein.com)  
2 John D. Lowery [jlowery@riddellwilliams.com](mailto:jlowery@riddellwilliams.com), [dhammonds@riddellwilliams.com](mailto:dhammonds@riddellwilliams.com)  
3 Jonathan Gardner [jgardner@labaton.com](mailto:jgardner@labaton.com)  
4 Joseph P. Guglielmo [jguglielmo@scott-scott.com](mailto:jguglielmo@scott-scott.com), [efile@scott-scott.com](mailto:efile@scott-scott.com)  
5 Joseph A. Fonti (Terminated) [jfonti@labaton.com](mailto:jfonti@labaton.com), [ElectronicCaseFiling@labaton.com](mailto:ElectronicCaseFiling@labaton.com)  
6 Joshua M. Rubins [jrubins@ssbb.com](mailto:jrubins@ssbb.com), [jregan@ssbb.com](mailto:jregan@ssbb.com), [managingclerk@ssbb.com](mailto:managingclerk@ssbb.com)  
7 Joshua S. Devore [jdevore@cohenmilstein.com](mailto:jdevore@cohenmilstein.com), [efilings@cohenmilstein.com](mailto:efilings@cohenmilstein.com)  
8 Julie Goldsmith Reiser [jreiser@cohenmilstein.com](mailto:jreiser@cohenmilstein.com)  
9 Julie Hwang (Terminated) [jhwang@labaton.com](mailto:jhwang@labaton.com), [ElectronicCaseFiling@labaton.com](mailto:ElectronicCaseFiling@labaton.com)  
10 Kenneth J. Pfaehler [kenneth.pfaehler@snrdenton.com](mailto:kenneth.pfaehler@snrdenton.com), [nicole.reeber@snrdenton.com](mailto:nicole.reeber@snrdenton.com)  
11 Kenneth M. Rehns [krehns@cohenmilstein.com](mailto:krehns@cohenmilstein.com)  
12 Kerry F. Cunningham [kerry.cunningham@dlapiper.com](mailto:kerry.cunningham@dlapiper.com)  
13 Kevin P. Chavous [kchavous@sonnenschein.com](mailto:kchavous@sonnenschein.com)  
14 Kim D. Stephens [kstephens@tousley.com](mailto:kstephens@tousley.com), [cbonifaci@tousley.com](mailto:cbonifaci@tousley.com),  
15 [lrolling@tousley.com](mailto:lrolling@tousley.com), [wcruz@tousley.com](mailto:wcruz@tousley.com)  
16 Larry Steven Gangnes [gangnesl@lanepowell.com](mailto:gangnesl@lanepowell.com), [docketingsea@lanepowell.com](mailto:docketingsea@lanepowell.com),  
17 [donnellyjossm@lanepowell.com](mailto:donnellyjossm@lanepowell.com), [sebringl@lanepowell.com](mailto:sebringl@lanepowell.com)  
18 Leslie D. Davis [ldavis@sonnenschein.com](mailto:ldavis@sonnenschein.com)  
19 Mary Kay Vyskocil [mvyskocil@stblaw.com](mailto:mvyskocil@stblaw.com)  
20 Matthew B. Kaplan [mkaplan@cohenmilstein.com](mailto:mkaplan@cohenmilstein.com), [efilings@cohenmilstein.com](mailto:efilings@cohenmilstein.com)  
21 Michael H. Barr [mbarr@sonnenschein.com](mailto:mbarr@sonnenschein.com)  
22 Nancy A. Pacharzina (Terminated) [npacharzina@tousley.com](mailto:npacharzina@tousley.com), [mhottman@tousley.com](mailto:mhottman@tousley.com)  
23 Paul Scarlato [pscarlato@labaton.com](mailto:pscarlato@labaton.com), [ElectronicCaseFiling@labaton.com](mailto:ElectronicCaseFiling@labaton.com)  
24 Paul Joseph Kundtz [pkundtz@riddellwilliams.com](mailto:pkundtz@riddellwilliams.com), [mbergquam@riddellwilliams.com](mailto:mbergquam@riddellwilliams.com),  
25 [mdowns@riddellwilliams.com](mailto:mdowns@riddellwilliams.com)

*Certificate of Service*  
(CV09-037 MJP)

**HILLIS CLARK MARTIN & PETERSON P.S.**  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101-2925  
Telephone: (206) 623-1745  
Facsimile: (206) 623-7789

1 Richard A. Speirs rspeirs@cohenmilstein.com  
2 Richard F. Hans richard.hans@dlapiper.com, dorinda.castro@dlapiper.com  
3 Robert D. Stewart stewart@kiplinglawgroup.com  
4 Rogelio Omar Riojas omar.riojas@dlapiper.com, karen.hansen@dlapiper.com,  
5 nina.marie@dlapiper.com  
6 S. Douglas Bunch dbunch@cohenmilstein.com  
7 Serena Richardson (Terminated) srichardson@labaton.com,  
8 ElectronicCaseFiling@labaton.com  
9 Stellman Keehnel stellman.keechnel@dlapiper.com, patsy.howson@dlapiper.com  
10 Stephen M. Rummage steverummage@dwt.com, jeannecadley@dwt.com,  
11 seadocket@dwt.com  
12 Steve W. Berman steve@hbsslaw.com, heatherw@hbsslaw.com, robert@hbsslaw.com  
13 Steven J. Toll stoll@cohenmilstein.com, efilings@cohenmilstein.com  
14 Steven P. Caplow stevencaplow@dwt.com, jasonSchattenkerk@dwt.com,  
15 patrickwatts@dwt.com, seadocket@dwt.com, sheilarowden@dwt.com  
16 Steven W. Fogg sfogg@correronin.com, hpowell@correronin.com,  
17 reception@correronin.com  
18 Tammy Roy troy@cahill.com  
19 Timothy Michael Moran moran@kiplinglawgroup.com, cannon@kiplinglawgroup.com  
20 Walter W. Noss wnoss@scott-scott.com, efile@scott-scott.com  
21 DATED this 23rd day of April 2012 at Seattle, Washington.

22 By: /s/ Louis D. Peterson  
23 Louis D. Peterson, WSBA #5776  
24 1221 Second Avenue, Suite 500  
25 Seattle, WA 98101-2925  
Telephone: (206) 623-1745  
Facsimile: (206) 623-7789  
Email: ldp@hcmp.com

*Certificate of Service*  
(CV09-037 MJP)

**HILLIS CLARK MARTIN & PETERSON P.S.**  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101-2925  
Telephone: (206) 623-1745  
Facsimile: (206) 623-7789